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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
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CHAMBERS OF
COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE

TO ALL COUNSEL IN:

Kester v. Novartis, (11-W-8196)

FROM:

Judge McMahon

DATE:

April 7, 2015

RE:

Trial ready date for the non-intervened case

Counsel:

With respect to the case involving Gleevec, Tasigna and TOBI, I am adhering to the discovery end date of August 31, 2015. There is no reason to extend it; Novartis' trial team will be busy with the other case all fall.

I rarely permit the parties to postpone the filing of a final pre-trial order (which makes the case "trial ready") in order to accommodate summary judgment motions. I maintain that rule in the hope that people will refrain from making wasteful summary judgment motions. Based on what I know today, I would think it difficult to succeed on a summary judgment motion is this case (and indeed, I do not understand that such a motion is being made in the Myfortic/ExJade case). However, I admit that I don't know nearly everything, especially about the non-intervened case.

However, I do know that the Novartis team will be coming off the Myfortic-ExJade trial in early December and I have no expectation that they will be able to do any significant work on the other case until they rest up over the year-end holidays. I will, therefore, postpone the trial-ready date in the second case until February 15, 2016. That is the date on which the final pre-trial order has to be filed; it is also the date by which summary judgment motions must be made.